IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18240 of 2004

Between:

L. Kasna Naik, s/o Ranji, VGD LCCS Ltd, Bikkuthanda, R/o Bikkuthanda, Paloncha Mandal, Khammam District.

..... PETITIONER

AND

The Deputy Registrar, Co-operative Societies, Kothagudem, Khammam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus to declare that the orders passed by the Respondent in Rc.No. 760/04-C dated 29-9-2004 in disqualifying the petitioner as the President of VTD Labour contract Cooperative Society Ltd, Bikkuthanda, Paloncha Mandal, as illegal, arbitrary, unconstitutional and violative of Article 14 of the constitution of India and also contrary to the AP. Cooperative Societies Act and Rules.

Counsel for the Petitioner: MRVENKATARAGHU RAMULU

Counsel for the Respondent: GP FOR COOPERATION

The Court at the stage of admission made the following Order :

Heard the learned counsel for the petitioner and the learned Government pleader appearing on behalf of the respondent.

The petitioner claims to be the President of VTD Labour Contract Co-operative Society Limited, Bikkuthanda, Paloncha Mandal, Khammam District. It appears that a show cause notice was served on him by the respondent calling upon him to explain on or before 28-09-2004 as to why he should not be disqualified under Section 32(3) of the Andhra Pradesh Co-operative Societies Act, 1964 as well as under Bye Law No.6-A of the registered Byelaws. However, he sought some more time to submit his explanation. The respondent, without granting any time as sought by the petitioner, came to a conclusion that the petitioner has no explanation to submit and accordingly concluded that the allegations are held proved against him and passed the impugned order dated 29-09-2004 disqualifying the petitioner to continue as President of the Society. The said order is under challenge in this writ petition.

From the impugned order, it is clear that the petitioner appeared before the respondent on 28-09-2004 and sought some more time for filing his explanation. Though the learned Counsel for the petitioner has contended that all the allegations made against the petitioner are false and baseless and the impugned order is unwarranted and unsustainable, I am not inclined to express any opinion with regard to correctness of the allegations, since admittedly there was no opportunity to the

petitioner to putforth his version before the respondent and the impugned order was not on merits. However, having regard to the facts and circumstances of the case, I am of the view that the respondent ought to have afforded one more opportunity to the petitioner and ought to have decided the matter on merits so as to render substantial justice to the parties.

In the circumstances, the impugned order is set aside and the writ petition is disposed of granting liberty to the petitioner to submit his explanation on or before 18-10-2004. If any such explanation is received by the respondent, within the time specified above, the same shall be considered and appropriate orders shall be passed afresh in accordance with law.

The writ petition is accordingly disposed of. No costs.

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07-10-2004

Note: Issue C.C. by three days.

(B/o)

kdl

To

1 The Deputy Registrar, Co-operative Societies, Kothagudem, Khammam District.

2 Two C.Cs. to the Government Pleader for Co-operation, High Court Buildings, A.P., Hyderabad, (OUT).

3 Two C.D. Copies.